

**199—11.5 (478) Notices.**

**11.5(1) *Informational meeting notice.*** Announcement by mailed and published notice of the meeting shall be given to affected parties of interest in real estate. Affected parties of interest in real estate are those persons, companies or corporations listed on the tax assessment rolls as responsible for payment of real estate taxes and parties in possession of or residing on the property over which the prospective petitioner will seek easements.

*a.* The notice shall set forth the name of the applicant; the applicant's principal place of business; the general description and purpose of the proposed project; the general nature of the right-of-way desired; the possibility that the right-of-way may be acquired by condemnation if approved by the utilities board; a map showing the route of the proposed project; a description of the process used by the board in making a decision on whether to approve a franchise or grant the right to take property by eminent domain; that the landowner has a right to be present at such meeting and to file objections with the board; and a designation of the time and place of the meeting; and contain the following statement: Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

*b.* Prospective petitioner shall cause a written copy of the meeting notice to be served, by certified United States mail with return receipt requested, on all affected parties whose residence is known. The certified article shall be deposited in the U.S. mail not less than 30 days prior to the time set for the meeting.

*c.* Prospective petitioner shall cause the meeting notice including the map, to be published once in a newspaper of general circulation in the county at least one week and not more than three weeks prior to the time set for the meeting. Publication shall be considered notice to affected parties whose residence is not known.

**11.5(2) *Notice of franchise petition.***

*a.* Whenever a petition for a franchise, extension of franchise, or amendment of franchise is filed with the board, the board shall prepare a notice addressed to the citizens of each county through which the line or lines extend. The petitioner shall cause this notice to be published in a newspaper located in each county for two consecutive weeks. Proof of publication shall be filed with the board. This published notice shall constitute sufficient notice to all parties of the proceeding, except owners of record and parties in possession of land to be crossed for which voluntary easements have not been obtained at the time of the first publication of the notice.

*b.* The petitioner shall, in addition to published notice, serve notice in writing of the filing of the petition to the owners of record and the parties in possession of the lands over which easements have not been obtained. The served notices shall be by ordinary mail, addressed to the last-known address, mailed not later than the first day of publication of the official notice. One copy of each letter of notification, or one copy of the letter accompanied by a written statement listing all parties to which it was mailed and the date of mailing, shall be filed with the board not later than five days after the date of second publication of the official notice.

*c.* Published notices of petitions for franchise or amendment of franchise, or extensions of franchise other than countywide extensions, shall include provisions whereby interested parties can examine a map of the route. When the petition is filed, petitioner shall state whether a map is to be published with the notice, or whether the notice is to include a telephone number and an address through which parties can request a map from petitioner at no charge. The map required by this subrule need not be as detailed as the Exhibit B map, but shall include at minimum the proposed route, section lines, section and township numbers, roads and railroads, city boundaries, and rivers and major bodies of water. A copy of this map shall be filed with the petition.

*d.* When a petition for countywide extension of franchise is filed, the petitioner shall state whether the published notice will contain a legal description of the route or will include a telephone number and an address through which parties can request a map from the petitioner at no charge. The map content shall be as described in subparagraph 11.5(2) "c." A copy of this map shall be filed with the petition.

**11.5(3)** *Notice of eminent domain proceedings.* If a petition for a franchise or amendment of franchise seeks the right of eminent domain, petitioner shall, in addition to published notice of hearing, serve the written notice required by Iowa Code section 478.6, in the form prescribed by the board, of the time and place of hearing to owners of record and parties in possession of lands over which eminent domain is sought. Service shall be by certified United States mail, return receipt requested, addressed to their last-known address, and this notice shall be mailed no later than the first day of publication of the official notice of hearing concerning the petition. The written notice shall include a copy of the Exhibit E filed with the board for the affected property. Not less than five days prior to the date of hearing, the petitioner shall file with the board the return receipt for the certified article. The ordinary mail notice of 11.5(2) is not required to parties for which statutory written notice is served in accordance with this paragraph.

**11.5(4)** *Notice to other parties.* Petitioners for a franchise or amendment to franchise shall give written notice by ordinary mail, mailed at the time the petition is filed with the board, accompanied by a map showing the route of the proposed electric supply line, to the affected parties described in 11.2(1)“b”(6) through (11) and the Iowa department of transportation. One copy of each letter of notification or one copy of the letter accompanied by a written statement listing all parties to which it was mailed, the date of mailing, and a copy of the map sent with the letters shall accompany the petition when it is filed with the board.

**11.5(5)** *Notice of franchised line construction.*

a. Within 90 days after completion of an electric line construction or reconstruction project authorized by a franchise or amendment to franchise, the holder of the franchise shall notify the board in writing of the completion. The notice shall include the franchise and docket numbers and the date the franchise was issued.

b. If the project is not completed by a date two years after the date of issuance of the franchise or amendment to franchise, prior to that date the holder of the franchise shall so notify the board in writing and, if construction has been initiated, shall report its progress.

c. If the facilities authorized by a franchise are not constructed in whole or in part within two years of the date the franchise is granted, or within two years after final unappealable disposition of judicial review of a franchise order or of condemnation proceedings, the franchise shall be forfeited unless the franchise holder petitions the board for an extension of time pursuant to Iowa Code section 478.21.

**11.5(6)** *Notice of deferred construction.* Rescinded IAB 5/14/03, effective 6/18/03.

**11.5(7)** *Notice of transfer or assignment of franchise.* The holder of a franchise shall notify the board in writing, when transferring any franchise or portion of a franchise, stating the applicable franchise number and docket number which are affected and a description of the route of the transmission line when less than the total franchised line is affected, together with the name of the transferee and date of transfer, not more than 30 days after the effective date of transfer.

**11.5(8)** *Notice of proposed construction of electric lines capable of operating only at less than 34,500 volts.* Rescinded IAB 4/8/98, effective 5/13/98.

**11.5(9)** *Notice of relocations not requiring an amendment to franchise.* Whenever an electric line under franchise is relocated in a manner which does not require an amendment to franchise, the holder of the franchise shall notify the board in writing of the relocation, stating the franchise and docket numbers and date of franchise issuance for the affected line, and providing revised Exhibits A and B which reflect the changes in the route.

**11.5(10)** *Notice of electric line reconstruction not requiring an amendment to franchise.* Whenever an electric line is reconstructed with different materials or specifications than appear on the most recent Exhibit C and an amendment to franchise is not required, the holder of the franchise shall notify the board in writing of the reconstruction, stating the franchise and docket numbers and date of franchise issuance for the affected line, and providing a revised Exhibit C which reflects the changes in the manner of construction.

**11.5(11)** *Notice of franchise or amendment to franchise under abbreviated franchise process.*

a. Petitioner shall provide written notice concerning the anticipated construction to the last-known address of the owners of record of the property where construction will occur and to persons residing on

such property one month prior to commencement of construction. Notices may be served by ordinary mail, addressed to the last-known address of the owners of record of the property and to persons residing on such property. Petitioner must make a good-faith effort to identify and notify all owners of record and persons residing on the property.

*b.* The notice shall include the following information:

- (1) A description of the purpose of the project and the nature of the work to be performed.
- (2) A copy of the Exhibit B map.
- (3) The estimated dates the construction or reconstruction will commence and end.
- (4) The name, address, telephone number, and E-mail address of a representative of the petitioner who can respond to inquiries concerning the anticipated construction.
- (5) For the purposes of this subrule, "construction" means physical entry onto private property by personnel or equipment for the purpose of rebuilding or reconstructing the electric line.

[ARC 8435B, IAB 12/30/09, effective 2/3/10]